

Attorney Docket No. 52719.00008
(formerly 19608-000220US)

REMARKS

Claims 1 - 6, 11 - 15, 20 - 24, 29 - 33 and 38 - 41 were pending in the instant application when last examined. Claims 1 - 6, 11 - 15, 20 - 24, 28 - 33, 40 and 41 were rejected. Claims 29, 38 and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 20 - 24, 29, 38 and 39 are being cancelled herein. Claims 1 - 5, 11 - 15, 30 - 33 and 40 are being amended for greater clarity. New claims 42 - 66 are presented. No new matter is being added and claims 1 - 6, 11 - 15, 30 - 33 and 40 - 66 are pending in the instant application. Reconsideration is respectfully requested.

Objections to claims 4 and 14

In item 4, Examiner indicated that objections to claims 4 and 14 have been overcome by Applicant's amendments to these claims and that the objections are hereby withdrawn.

Provisional rejection for nonstatutory double patenting

In items 3 - 5, the Examiner maintained the rejection of the claims under the judicially created (nonstatutory) doctrine of double patenting.

On page two of the office action, the Examiner states that Applicant's terminal disclaimer filed June 12, 2003 was entered this paper number 11. The Examiner states that "the nonstatutory double patenting rejection still stands because though a terminal disclaimer was filed and the claims were amended and some claims were canceled, the claims in the co-pending applications 09/483,386 and 09/483,385 are not distinctly different enough to have the nonstatutory double patenting rejection withdrawn. It is suggested applicant either amend claims in the co-pending applications 09/483,386 and 09/483,385 to more clearly distinguish the novel features of each of the co-pending applications or incorporate some of the computer program product claims from the co-pending '386 application and some of the method claims from the co-pending '385 application into the apparatus claims of [this] 09/483,182 application."

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Firstly, applicant traverses the rejection, noting that in item 4 on page 3 of the Office Action, the Examiner quotes the language of MPEP 804, paragraph 8.33, which states that "[a] timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection, based on a nonstatutory double patenting ground provided that the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b)." (Emphasis added). A copy of a terminal disclaimer filed by the Applicant in a response to Office Action on June 12, 2003 in response to the nonstatutory double patenting rejection in that office action is attached to this response as an Appendix.

Secondly, applicant has moved some of the computer program product claims from the co-pending '386 application and some of the method claims from the co-pending '385 application into the this (09/483,182) application to render the rejection moot.

Allowable Subject Matter

In item 8, on pages 12 – 13 of the Office Action, the Examiner indicated that claims 29, 38 and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. On page 12 of the Office Action, the Examiner states that, "Applicant's claim 29 claiming the virtual data model comprises a reverse star schema, claim 38 claiming generating a data warehouse populated with the information from the source database according to a reverse star schema meta-model, claim 39 claiming the meta-model is a reverse star schema, was not disclosed or suggested by the prior art of record." Accordingly, applicant's claims 1 - 6, 11 - 15, 30 - 33 and 40 - 41 as amended, as well as new claims 42 - 66, which include computer program claims from the co-pending '386 application and some of the method claims from the co-pending '385 application, recite the indicated allowable subject matter or depend from claims that recite the indicated allowable subject matter. Claims 29, 38 and 39 are being cancelled herein. No new matter is being added. The claims are now in condition for allowance.

Because each claim recites or depends from a claim that recites the indicated allowable subject matter, the remainder of the Examiner's rejections are rendered moot.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

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The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

Dated: January 12, 2004
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450

on January 12, 2004

by

